

**LABORATORY CERTIFICATION STANDARDS REVIEW COUNCIL
MEETING MINUTES FROM 09/28/2000**

Attendance

Council Members: Gilbert Williams (Vice-Chair), George Bowman, Debbie Cawley, Paul Junio, Marcia Kuehl, David Kollakowsky, Ruth Klee Marx,

DNR Staff: Jack Sullivan, Alfredo Sotomayor, Ron Arneson, and Greg Pils

Guests: Paul A. Harris (Davy Labs)

Action Item Summary

- The previous meeting's minutes were reviewed and approved.
- The Council elected Debbie Cawley Chair and David Kollakowsky Vice Chair. The Council also voted that the Chair and Vice Chair will retain voting rights, and will serve for 3 years or until the end of their appointed term.
- The Certification Standards Review Council is tentatively scheduled to meet via conference call on Thursday, December 14, 2000; time TBA. The Council will meet in person on Thursday February 15, 2000; time and location TBA.

Agenda Items

I. Approval of August 26, 1999 Meeting Minutes

- A. Ruth Klee Marx suggested the repair of an incorrect date in the minutes of the May 18, 2000 meeting. A motion was then made by Mr. Kollakowsky to approve the May 18, 2000 meeting minutes. Gilbert Williams seconded the motion, and minutes were unanimously approved.

II. Introduction of New Council Appointees

Jack Sullivan introduced three new Council appointees to the rest of the Council.

- A. **George Bowman** was appointed to represent the State Laboratory of Hygiene by University of Wisconsin Chancellor David Ward on June 15, 2000. Mr. Bowman has several years of experience in the field of environmental chemistry and microbiology, and is currently Inorganic Laboratory Supervisor at the Laboratory.
- B. **Marcia Kuehl** was appointed to serve as member with a demonstrated interest in laboratory certification by Department of Administration (DOA) Secretary George Lightbourn on June 19, 2000. Ms. Kuehl has over 15 years of experience in the environmental laboratory business, and is currently President and Owner of her own environmental consulting firm, MAKUEHL CO.
- C. **Paul Junio** was appointed commercial laboratory representative by Secretary Lightbourn on September 12, 2000. Mr. Junio also has several years of experience in the environmental laboratory business, and is currently the Quality Assurance Coordinator for TestAmerica, Inc.'s Watertown laboratory.
- D. Also noted was Ms. Cawley's June 19, 2000 reappointment as representative of municipalities having wastewater treatment plants with flows of more than 5mgd.

III. Update on Progress Toward Filling Vacant Council Seats

Greg Pils briefed the Council on the progress toward filling vacant council seats, and distributed copies of the s. 15.107(12), Wis. Stats, which describes the composition of the Council.

- A. DOA currently has no nominees to consider for appointment to the Solid and Hazardous Waste Disposal Facility Representative seat, which has remained vacant since Barb Hill's departure in 1998.
1. Two individuals previously suggested by Council Members as possible nominees were contacted earlier this past year, but neither were interested in pursuing appointment at this time.

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2. Mr. Kollakowsky stated that he would try to contact other potential nominees for this seat.
- B. Bill Bruins has elected to step down from his seat representing agricultural interests, citing the fact that the Council discussed little, if anything, of interest to him as a farmer. This seat is required by statute to be held by a farmer actively engaged in livestock production, and this requirement has made it extremely difficult to locate potential nominees in the past, and the same is expected for the future. Consequently, the Department is not actively pursuing nominations for this seat at the present time.
 1. Mr. Junio inquired about changing the statute to require this seat to be held by a representative of the Department of Agriculture, Trade and Consumer Protection (DATCP).
 - a. Mr. Sullivan responded that this has been suggested in the past, but that nothing ever came of it. He suggested, along with Ms. Kuehl, that the Council send a letter to DATCP Secretary Ben Brancel requesting their assistance with obtaining a qualified nominee, and noted that Mr. Bruins' nomination had been forwarded by DOA.
 2. At this point, Mr. Williams elected to brief the Council about the Rock River Partnership and the associated need for citizen monitoring groups. He inquired if the Council should have a role in partnering with such citizen groups, and if a statute change could be made to accommodate a dedicated Council Representative.
 - a. Mr. Sullivan reiterated the difficulty of processing any statute change, and responded that the Council has an indirect relationship with such groups through current DNR partnerships. There was no further discussion on this matter.
- C. Ms. Cawley requested a list of the laboratories she represents on the council. Mr. Pils agreed to send such a list to each council member.
- D. At the request of Mr. Bowman, Mr. Pils also agreed to send a list of the current Council membership and their contact information in both electronic and paper formats.

IV. Election of New Officers

Council Members were provided background on the roles of the Chair and Vice Chair, elected new officers, and re-determined officer term lengths.

- A. Mr. Sullivan reviewed the historical roles of the Chair and Vice Chair prior to the elections. Mr. Pils added that he had been unable to find specific statutory language governing the election of Council Officers and their associated terms of service.
- B. Mr. Williams announced that he will be moving to Spring Green soon, at which time he'll likely resign his position with the Sun Prairie Water Pollution Control Facility, and will have to resign his Council seat.
- C. Ms. Marx nominated Ms. Cawley for Chair, and Mr. Williams seconded this motion. Mr. Junio then nominated Mr. Kollakowsky for Chair, and Ms. Kuehl seconded this motion.
 1. The Council decided to conduct a secret ballot vote, and agreed that the runner-up would assume the role of Vice Chair.
 2. Ms. Cawley was elected Chair by a 4-3 margin. Both Ms. Cawley and Mr. Kollakowsky agreed to assume their new roles after adjournment of the meeting.
- D. The Council discussed length of terms for the Chair and Vice Chair, ultimately deciding that terms should last either three years or until the end of the member's term. Mr. Junio motioned to approve this measure, which was seconded by Ms. Kuehl and carried by unanimous vote.

V. Jack Sullivan's Outgoing Comments, and Update on Progress Toward Filling the Environmental Science Services Section Chief Position.

Mr. Sullivan was appointed Director of the Bureau of Integrated Science Services (BISS) on July 2, 2000. He briefed the Council on his timeline for filling the Environmental Services Section (ESS) Chief vacancy and plans for addressing the position's responsibilities in the interim.

- A. Mr. Sullivan explained all the responsibilities of the ESS Chief, as well as his new responsibilities as BISS Director, and briefly discussed the organization of the Bureau.
 - 1. ESS is part of BISS, so Mr. Sullivan will still have ultimate oversight over the Laboratory Certification Program.
- B. The ESS position will remain vacant until February as part of Mr. Sullivan's plan to comply with a DOA-mandated 4% lapse in general program revenue (GPR) spending by holding open certain existing BISS vacancies.
- C. The position will likely be posted in the State Career Opportunities Bulletin in early November, and will be widely advertised electronically (i.e. appropriate Internet sites) and in print. The Council recommended that the position only be advertised in a single newspaper, as they have all had low success using this medium for recruitment.

VI. Briefing on DNR's Electronic Laboratory Data Retrieval System

Ron Arneson gave a presentation that outlined the reasons for building the system, it's design, and the progress toward its completion.

- A. The Department has committed to funding the project through its first two years. The project's first year will be funded through the Bureau of Drinking Water and Groundwater and an EPA One-Stop Grant. Mr. Sullivan discussed other funding options with the Council.

VII. AGENDA REPAIR ITEM: Department Update on Variances Granted from NR 149

Mr. Sullivan reminded the Council that the Laboratory Certification Program is required to brief the Council on any variances granted from s. NR 149, Wis. Admin. Code, since the last meeting. Mr. Sotomayor distributed copies of the granted variance requests to Council Members, described the procedure for processing variances, and explained the rationale for approval of the requests.

VIII. NELAC VI Update and Progress toward Accrediting Authority Status

- A. Alfredo Sotomayor presented what transpired at NELAC VI, including major changes to the NELAC standards.
 - 1. EPA will continue to allocate \$500,000 per year to fund NELAP. The BOD favors NELAP into a not-for-profit organization. With EPA participation.
 - 2. The AARB presented its "State of NELAP" report, which provided a generally positive evaluation.
 - 3. The current scopes of accreditation and fields of testing will remain unchanged for now, but may be revisited at the next conference.
 - 4. The sunset clause for the allowance for AAs to seek legislative and rule changes was removed.
 - 5. The National Database will be beta-tested by the end of summer 2000. It will be an Oracle database accessible only through the Internet.

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6. Standards continue to be developed and revisited, especially in the following areas:

- Assessor Training
- Performance Testing
- Mobile Laboratories
- Quality systems
- Documentation issues
- Role of Federal Aas

B. Mr. Sotomayor also briefed the council on the Department's progress toward becoming an accrediting authority.

1. The Laboratory Certification Program is introducing the proposed statutory language changes in the Department's portion of the Biennial Budget Bill, and has also forwarded a legislative proposal to Secretary Meyer's office. The Secretary will review the proposal, and will decide if the Department will advance it to the Legislature. If the proposed changes are processed through the Budget Bill, it will not be necessary to process the legislative proposal through the longer, more uncertain legislative process.
2. Mr. Kollakowsky stated that he has noted increased hesitancy in regard to the Department's NELAC implementation plan among some of his colleagues in the laboratory community, and advised the Department that such skepticism will likely increase with the time it takes to achieve AA status. Mr. Sullivan acknowledged that certain individuals have conveyed these sentiments to the Department, but confirmed that the Department's plan still has the support of Wisconsin's environmental laboratory organizations.
3. Mr. Sotomayor also briefed the council on the NELAC audits he recently observed the State of Illinois conduct at two Wisconsin laboratories.
4. The council discussed the Program's decision to delay commercial laboratory audits under NR 149 until the status of Wisconsin's NELAC legislation is determined. This approach will minimize having to re-visit labs after Wisconsin becomes a NELAC accrediting authority. It was noted that even if everything goes smoothly with the legislation, the new accreditation program would not be implemented until August of 2001.

IX. Briefing on Reference Sample Requirements in Regard to Wisconsin's Reciprocity Agreement with the State of Minnesota

Mr. Sotomayor explained that Minnesota is now only accepting reference sample providers that are NIST-approved, and that the State Laboratory of Hygiene is not among these. Despite this development, Wisconsin's reciprocity agreement with Minnesota remains unaffected. Mr. Sotomayor informed Council members that another provider has applied to the Laboratory Certification Program for approval to provide reference samples for GRO and DRO testing, which would eliminate any possible problems with administration of test category 15 (Petroleum Hydrocarbons) certification.

X. AGENDA REPAIR ITEM: Council Agenda Items

Mr. Sullivan provided the Council with an update of the Laboratory Certification Program's current staffing situation.

- A. The Central Office project position remains open. The Bureau of Human Resources has approved the position description, and the position will be posted as an entry-level Chemist in November.
 1. A request to convert the position to permanent status once the approved project term expires has been included in the Department's proposed biennial budget.
- B. Camille Johnson has been hired as the Program's new West Central Region Audit Chemist. Camille will be stationed in Eau Claire, and will start on October 9.

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- C. Southeast Regional Auditor Don Domencich will be moving to Sturgeon Bay in October, and will likely be performing audits in the Northeast Region in the future. Don has agreed to continue performing necessary audits in the Southeast Region until the Program can draft a transition plan.
- D. The Program still has an LTE vacancy in Central Office. Mr. Sotomayor informed the council that it has been difficult to recruit interested, qualified candidates, but that the Program still intends to fill the vacancy as soon as possible.

XI. Future Meeting Dates

- A. A conference call was tentatively scheduled for December 14 to discuss the Program's new list of approved reference sample providers. At this time, this is the only agenda item planned for the conference call. Council members should contact the Chair or Vice Chair if they have items to add to this Agenda.
- B. The next Certification Standards Review Council meeting was tentatively scheduled for Thursday, February 15, 2001.** The time and location have yet to be determined. The Laboratory Certification Program will work with the Chair to set up the next meeting. Council members should contact the Chair or Vice-Chair if they have items to add to the Agenda
- B. A motion to adjourn was made by Gilbert Williams, seconded by Marci Kuehl, and carried unanimously.